

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM I. KOCH, an individual,

Plaintiff,

vs.

ERIC GREENBERG, an individual; ZACHYS  
WINE & LIQUOR STORE, INC., a New York  
corporation; and ZACHYS WINE  
AUCTIONS, INC., a New York corporation.

Defendants.

**PLAINTIFF'S NOTICE OF  
MOTION FOR ELIMINATION OR  
MODIFICATION OF THE  
PROTECTIVE ORDER;  
APPLICATION FOR REMOVAL  
OF CONFIDENTIALITY  
DESIGNATIONS**

07 Civ. 09600 (BSJ)(DCF)  
ECF Case

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-and-

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*Attorneys for Plaintiff*

PLEASE TAKE NOTICE that, upon the Declaration of Bruce A. Wessel and the exhibits thereto, the Declaration of Adam L. Pollock and the exhibits thereto, the "Memorandum of Law in Support of Motion for Elimination or Modification of the Protective Order; Application for Removal of Confidentiality Designations," and all filed papers and proceedings herein, Plaintiff William I. Koch will move this Court, before the Honorable Debra C. Freeman, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for (1) an order eliminating or modifying the Confidentiality and Protective Order entered in this action on August 7, 2009 (the "Protective Order"), (2) an order removing the "Confidential Information" or "Confidential – Attorneys' Eyes Only Information" designation from documents and deposition testimony that has been so designated by Defendant Eric Greenberg pursuant to the procedures outlined in the Protective Order, and (3) for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
November 23, 2010

IRELL & MANELLA LLP

By: /s/ Bruce A. Wessel  
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*Attorneys for Plaintiff*  
*WILLIAM I. KOCH*

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 840 Newport Center Drive, Suite 400, Newport Beach, California 92660-6324.

On November 23, 2010, I served the foregoing documents described as:

**(1) PLAINTIFF'S NOTICE OF MOTION FOR ELIMINATION OR MODIFICATION OF THE PROTECTIVE ORDER; APPLICATION FOR REMOVAL OF CONFIDENTIALITY DESIGNATIONS**

**(2) MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ELIMINATION OR MODIFICATION OF THE PROTECTIVE ORDER; APPLICATION FOR REMOVAL OF CONFIDENTIALITY DESIGNATIONS**

**(3) DECLARATION OF ADAM L. POLLOCK**

**(4) DECLARATION OF BRUCE A. WESSEL**

on each interested party, as stated on the service list below.

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☒ **(BY MAIL)** I placed a true copy of the foregoing document(s) in a sealed envelope addressed to each interested party, as stated on the attached service list. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Irell & Manella LLP, Los Angeles, California. I am readily familiar with Irell & Manella LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

☒ **(BY ELECTRONIC MAIL)** I caused the foregoing document to be served electronically by electronically mailing a true and correct copy through Irell & Manella LLP's electronic mail system to the e-mail address(es), as stated on the attached service list, and no error was reported.

Executed on November 23, 2010, at Newport Beach, California. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Bonnie Blythe (bblythe@irell.com)  
\_\_\_\_\_  
(Type or print name)

/s/ Bonnie Blythe  
\_\_\_\_\_  
(Signature)